



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and  
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**REGULATORY ALERT**

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**Date [Citation]:** 12 July 2010 [[75 FR 39736](#)] and 11 August 2010 [[75 FR 48744](#)]

**Regulatory Agency:** U.S. Environmental Protection Agency

**Rulemaking Types:** Final Rule and Proposed Rule

**Titles:** Final Rule: Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills

Proposed Rule: Technical Corrections, Clarifying and Other Amendments to Certain Provisions of the Mandatory Greenhouse Gas Reporting Rule

**Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills**

On 12 July 2010, the U.S. Environmental Protection Agency (EPA) issued a final rule ([75 FR 39736](#)) that amends [40 CFR Part 98](#), the Mandatory Reporting Rule (MRR) for greenhouse gas (GHG), adding four source categories that will be required to report annual GHG emissions to EPA. The four new source categories—magnesium production (Subpart T), underground coal mines (Subpart FF), industrial waste landfills (Subpart TT), and industrial wastewater treatment (Subpart II)—have been added to the list of source categories already required to report GHG emissions. Facilities are required to report their emissions to EPA if emissions exceed the threshold level of 25,000 metric tons carbon dioxide (CO<sub>2</sub>) equivalents (CO<sub>2</sub>e) or more per year in combined emissions from source categories covered by 40 CFR Part 98. Part 98 was established on 30 October 2009 and included reporting requirements for 31 of the 42 emissions source categories originally proposed. This action finalizes four of the source categories that were proposed in the 30 October 2009 action.

Provisions in the final rule include methods for estimating emissions of methane (CH<sub>4</sub>) from underground coal mines, industrial wastewater treatment, and industrial landfills. It also includes methods for estimating emissions of GHGs used as protective cover gases in magnesium operations, including sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbon 134a (HFC 134a), dodecafluoro-2-methylpentan-3-one (FK 5-1-12), and CO<sub>2</sub>.

This action also announces EPA's final decision not to include ethanol production and food processing as distinct subparts in 40 CFR Part 98, as well as the final decision not to include suppliers of coal in 40 CFR Part 98 at this time. EPA decided not to include distinct subparts for ethanol production and food processing in 40 CFR Part 98 because these facilities already will be covered under the rule due to their aggregate emissions from all applicable source categories in the rule, such as stationary combustion, industrial wastewater, industrial waste landfills, miscellaneous use of carbonates, and any others that may apply.

The final rule is effective on 10 September 2010. Facilities containing underground coal mines, magnesium production facilities, industrial waste landfills, and/or industrial wastewater treatment facilities that meet the reporting threshold are required to begin monitoring on 1 January 2011 and must submit the first annual report to EPA by 31 March 2012. All other source categories required to report under the MRR remain applicable to the original MRR deadlines and should have begun collecting data 1 January 2010 and will submit their first GHG annual report on March 31, 2011. Because facilities may be subject to report source emissions from several source categories, some facilities may be subject to both deadlines.

*Potential Impacts to NASA:*

NASA Centers and contractor facilities that operate industrial wastewater treatment plants or industrial waste landfills may be required to begin monitoring and reporting GHG emissions to EPA if GHG emissions exceed 25,000 metric tons of CO<sub>2</sub>e.

### Technical Corrections, Clarifying and Other Amendments to Certain Provisions of the Mandatory Greenhouse Gas Reporting Rule

On 11 August 2010, EPA proposed amendments to 12 subparts of the MRR for GHGs. These [proposed amendments](#) do not affect the total scope of emissions that the program covers, but rather make clarifying and technical changes to specific sections of the final rule that were unclear or did not have the intended effect. This proposal is complementary to the proposed rulemaking, *Technical Corrections, Clarifying and Other Amendments* (75 FR 33950), published on 15 June 2010. These two proposed rulemakings address most of the significant questions raised thus far during implementation.

Of the 12 subparts affected by these new proposed amendments, Subpart A (General Provisions) affects all reporters. Amendments to Subpart A include, among other items:

- Amending the record-keeping requirements for missing data events.
- Amending the requirements for correction and resubmission of annual reports.
- Revising the calibration accuracy requirements for all measurement devices.

Amendments to Subpart C (General Stationary Fuel Combustion Sources ) affect a majority of reporters and include, among other items:

- Allowing Tier 3 units to use actual high heating value data to calculate CH<sub>4</sub> and N<sub>2</sub>O emissions.
- Providing an equation for estimating CO<sub>2</sub> emissions where gas billing records are in “therms.”
- Allowing use of site-specific moisture default values for fuels for which no applicable default moisture value is available in Part 75.
- Revising provisions so owners or operators of Tier 4 units would not be required to install a continuous emissions monitoring system on a slipstream.
- Clarifying the calculation, monitoring, and reporting requirements for CO<sub>2</sub> emissions from biomass combustion.
- Providing additional guidance on the calculation of CO<sub>2</sub>, CH<sub>4</sub>, and nitrous oxide (N<sub>2</sub>O) emissions from blended fuels.
- Clarifying how to apply the definition of fuel lot in instances where frequent deliveries may occur by truck, rail, or pipeline.
- Adding an alternative reporting option where small units such as space heaters share a common liquid or gaseous fuel supply with large combustion units.

Generally, the proposed amendments are intended to reduce the burden for reporting facilities by providing additional flexibility and by clarifying the reporting requirements. If EPA finalizes this rule in 2010, the proposed amendments would apply to data reported to EPA in March 2011.

#### *Potential Impacts to NASA:*

If finalized, NASA Centers and contractor facilities that are required to report GHG emissions under the MRR will be required to comply with the changes to Subpart A (General Provisions) and amendments to Subpart C for data reported to EPA by March 2011, reflecting the 2010 reporting year.

#### **Additional Information:**

EPA website: Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills

<http://www.epa.gov/climatechange/emissions/remaining-source-categories.html>

Regulatory Summary: Mandatory Greenhouse Gases (GHG) Reporting Rule

[http://www.nasa.gov/pdf/394641main\\_Mandatory%20GHG%20Reporting%20Rule%20Reg%20Summary\\_FinalRule.pdf](http://www.nasa.gov/pdf/394641main_Mandatory%20GHG%20Reporting%20Rule%20Reg%20Summary_FinalRule.pdf)

EPA website: Technical Corrections, Clarifying and Other Amendments to Certain Provisions of the Mandatory Greenhouse Gas Reporting Rule

<http://www.epa.gov/climatechange/emissions/technical-corrections.html>